

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201810670	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/19/2018 6:00 AM	Location of Incident: [REDACTED]	Precinct: 77	18 Mo. SOL 6/19/2020	EO SOL 2/3/2021	
Date/Time CV Reported Mon, 12/24/2018 1:19 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/24/2018 1:19 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DTS George Bonner	3001	926653	ESS 05
2. DT2 Matthew Vahey	07959	907488	E S U
3. DTS Jonathan Tracy	5494	948533	ESS 02
4. DTS Christophe Chiaromonte	05492	925070	ESS 05
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Eric Delman	00000	922228	077 PCT
2. POM Tahir Malik	06148	957799	077 PCT
3. POM Krystopher Valentin	06350	960044	077 PCT
4. POM Daniel Staffa	22621	957187	077 PCT
5. SGT Avinash Patel	05322	940551	077 PCT
6. POM Kenneth Anderson	20151	950001	077 PCT
7. DTS Conor Farrell	4069	936572	ESS 01
8. SGT Christophe Fuller	02129	940164	ESS 08
9. SSA Donald Abrams	00085	921890	E S U
10. DTS Patrick Barry	00249	917283	E S U

Officer(s)	Allegation	Investigator Recommendation
A.DTS Jonathan Tracy	Abuse: Detective Jonathan Tracy entered § 87(2)(b) in Brooklyn.	[REDACTED]
B.DT2 Matthew Vahey	Abuse: Detective Matthew Vahey entered § 87(2)(b) in Brooklyn.	[REDACTED]
C.DTS George Bonner	Abuse: Detective George Bonner entered § 87(2)(b) in Brooklyn.	[REDACTED]
D.DTS Christophe Chiaromonte	Abuse: Detective Christopher Chiaromonte entered § 87(2)(b) in Brooklyn	[REDACTED]
E.DT2 Matthew Vahey	Force: Detective Matthew Vahey used physical force against § 87(2)(b)	[REDACTED]
F.DTS George Bonner	Force: Detective George Bonner used physical force against § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
G.DTS Christophe Chiaromonte	Force: Detective Christopher Chiaromonte used physical force against § 87(2)(b)	
H. An officer	Force: An officer used physical force against § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On December 24, 2019, § 87(2)(b) filed this complaint on behalf of herself and her two sons, § 87(2)(b) and § 87(2)(b).

On December 19, 2018, at approximately 6:00 a.m., officers from the Emergency Service Unit (ESU) and the 77<sup>th</sup> Precinct executed a no-knock search warrant at § 87(2)(b)'s residence, § 87(2)(b) in Brooklyn. Detectives Jonathan Tracy, Matthew Vahey, George Bonner, and Christopher Chiaromonte of the Emergency Service Unit (ESU) entered § 87(2)(b) (**Allegations A, B, C, D: Abuse of Authority, § 87(2)(g)**). Det. Vahey allegedly kicked the front of § 87(2)(b) lower legs out from under him, bringing him to the ground (**Allegation D: Force, § 87(2)(g)**). Det. Bonner and Det. Chiaromonte allegedly pulled § 87(2)(b) off of his bunk bed, bringing him to the ground (**Allegations E and F: Force, § 87(2)(g)**). An officer stepped on § 87(2)(b) on their way out of the apartment (**Allegation G: Force, § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

This case contains video footage from Lieutenant Eric Delman, Sergeant Avinash Patel, and Police Officers Tahir Malik, Krystopher Valentin, Daniel Staffa, and Kenneth Anderson, all from the 77<sup>th</sup> Precinct, who searched the apartment (**01, 02, 03, 04, 05, 06, 07, 08 Board Review**).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Jonathan Tracy entered**

§ 87(2)(b) **in Brooklyn.**

**Allegation (B) Abuse of Authority: Detective Matthew Vahey entered**

§ 87(2)(b) **in Brooklyn.**

**Allegation (C) Abuse of Authority: Detective Christopher Chiaromonte entered**

§ 87(2)(b) **in Brooklyn.**

**Allegation (D) Abuse of Authority: Detective George Bonner entered**

§ 87(2)(b) **in Brooklyn.**

It is undisputed that officers executed a search warrant at § 87(2)(b) on December 18, 2018.

On the morning of the incident, search warrant § 87(2)(b) was executed at the location (**09 Board Review**). The warrant was requested by PO Kenneth Anderson of the 77<sup>th</sup> Precinct, and was signed by the Honorable § 87(2)(b), a justice of the Supreme Court of King's County. The scope of the search warrant included firearms, ammunition, and documents relating to the ownership and recent occupation of the apartment. Evidence from body-worn camera time stamps and memo books indicate that the search warrant was executed within the time frame set forth by the warrant.

New York State Criminal Procedure Law § 690.50 provides that officers can, when necessary, use force to enter premises to execute a search warrant (**10 Board Review**).

§ 87(2)(g)

**Allegation (E) Force: Detective Matthew Vahey used physical force against § 87(2)(b)**

§ 87(2)(b) stated that he was sleeping inside of the apartment's living room when he was awoken by a loud noise (**11 Board Review**). He stood up. An officer wearing black clothing and a black helmet and carrying a "machine gun" grabbed his left arm and kicked the front of his lower legs. This brought § 87(2)(b) to the floor, face-down. The officer then placed § 87(2)(b) into handcuffs. § 87(2)(b) was not injured as a result of this incident.

Det. Vahey, the subject officer for this allegation, was identified via the ESU Warrant Execution Supplemental Report (**12 Board Review**). The document states that he handcuffed a § 87(2)(b) inside of the apartment's living room. According to the document, the first bunker team was comprised of Det. Tracy (shield operator 1) and Det. Vahey (MP5 operator 1).

Det. Tracy and Det. Vahey were consistent in their statements that, as members of the ESU Apprehension Team ("A-Team"), they had both participated in the execution of over 100 search warrants in the time that passed between the date of the incident and the date of their interviews, some four months later (**13, 14 Board Review**). Neither detective could remember any details about executing this particular search warrant, even after being prompted by relevant evidence.

§ 87(2)(g)

**Allegation (F) Force: Detective George Bonner used physical force against § 87(2)(b)**

**Allegation (G) Force: Detective Christopher Chiaromonte used physical force against**

§ 87(2)(b)

§ 87(2)(b) stated that during the incident, he was sleeping alone on a top bunk inside of his bedroom, and was awoken by the sound of the front door of the apartment being "kicked in" (**15 Board Review**). Six officers entered his room. One of them shouted, "Search warrant, put your hands up." Two officers carrying "machine guns" and wearing helmets and black uniforms each took one of his arms and pulled him off of his bed. § 87(2)(b) landed on the floor face-down. During his interview, § 87(2)(b) complained of pain in his left wrist as a result of the incident, but did not seek medical attention.

Detectives Bonner and Chiaromonte were identified as subjects via the ESU Warrant Execution Supplemental Report. The document reads that Det. Bonner placed § 87(2)(b) into

handcuffs in a right bedroom. According to the document, the second bunker team was comprised of Det. Bonner and Det. Chiaramonte.

Det. Chiaramonte stated that there were two young males inside of the bedroom (**16 Board Review**). One male was lying on each level of a bunk bed. With a ballistic shield in his left hand and a pistol in his right hand, Det. Chiaramonte watched from two feet away as Det. Bonner commanded the male on the top bunk to come off of the bed. The male landed on the floor on his own two feet, without tripping or stumbling upon landing. Det. Chiaramonte denied making any physical contact with the male before he came off of the bed.

Det. Bonner stated that only one male was inside of the bedroom, and he was laying on the top bunk (**17 Board Review**). Upon entering the room, Det. Bonner commanded the male to show his hands. He complied and dangled his legs off of the top bunk. Det. Bonner told him, “We’re going to have you jump down from the bunk,” then held onto the male’s arm and waited for him to jump down. Det. Bonner denied using force to bring him off of the bed, and stated that it was the male who was generating the movement which brought him down. The male landed on his own two feet on the floor without tripping or stumbling.

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation (H) Force: An officer used physical force against § 87(2)(b)**

[REDACTED] stated that the first group of officers who entered her apartment did so quickly, and that she never got a good look at them (**18 Board Review**). They handcuffed her and told her to lie down on the floor of her rear bedroom, and she complied. As the first group of officers left the apartment, an officer stepped on or kicked the lower right side of her back. She could not describe the officer who did so.

A total of eight ESU officers made the initial entry into the apartment. Documentation and testimony suggest that Detectives Vahey, Tracy, Bonner, and Chiaramonte did not take any actions in the rear bedroom of the apartment. § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(4-b), § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a subject.
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- § 87(2)(b)  
■ [REDACTED]
- Det. Vahey has been a member of service for 25 years and has been a subject in five complaints and 12 allegations, one of which was substantiated.
  - 9602320 involved a substantiated allegation of physical force against Det. Vahey. The Board recommended charges.
  - § 87(2)(g) [REDACTED]
- Det. Bonner has been a member of service for 18 years and has been a subject in eight complaints and 12 allegations, one of which was substantiated.
  - 200803100 contained a substantiated allegation of a discourteous action for throwing a cup of tea at a civilian's car. The Board recommended instructions and the NYPD imposed command discipline B.
  - § 87(2)(g) [REDACTED]
- Det. Chiaromonte has been a member of service for 19 years. This is the first complaint in which he has been a subject.

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- A FOIL request for a notice of claim regarding this incident was filed on May 16, 2019 and will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) does not have a history of conviction in New York City.
- According to the OCA, § 87(2)(b) does not have a history of conviction in New York City.
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Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date